IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 1877 of 2005

Between:

J. A. Azaraiah, S/o. Late J. John Shelly,
A.P. Vigilance Commission, GAD, Secretariat, Hyderabad,
R/o. C-66, Patigadda Colony, Secunderabad.

..... PETITIONER

AND

1 The Government, of A.P., rep. by the Special Chief Secretary to Government,
G.A.(S.C.F.) Dept., Govt. of A.P., Hyderabad.
2 Sri V. Anankaiah, Addl. Secretary to Govt. (Retd),
H.No.8-3-677/17, Sri krishnadevaraya Colony,
Yellareddyguda, Hyderabad-500045.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Order or direction, preferably one in the nature of Writ of Certiorari, calling for the records, pertaining to M.A.No.1873/04 in O.A.S.R.No.5850/04, leading up to passing of the order dt. 29.10.2004 and be pleased to quash the said order dt. 29.10.2004 passed in M.A.No.1873/04, dismissing the said M.A. and rejecting the O.A.S.R.No.5850/04 as contrary to law, legal position, arbitrary and illegal and consequently be pleased to direct the A.P.A.T. Hyderabad to register and number

O.A.S.R.No.5850/04 and take up for enquiry and disposal according to law.

Counsel for the Petitioner: MR.S.AGASTYA SHARMA

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 29.10.2004, passed by the A.P. Administrative Tribunal, in M.A.No.1873 of 2004 in O.A.S.R.No.5850 of 2004.

2. The petitioner claims the seniority of promotion on par with the 2nd respondent. But, however, since there was delay in filing the O.A., the Tribunal dismissed the M.A. on the ground of unexplained laches.

3. Learned counsel for the petitioner submits that the matter was being adjudicated before the Government right from 12.12.2002 to 14.10.2003 and since there was no reply, the petitioner filed the O.A. for appropriate relief. Therefore, he submits that the Tribunal ought to have entertained the application.

4. We have heard the learned Government Pleader.

5. Inasmuch as there was no order passed by the Government either way, the O.A. itself is premature and therefore, no useful purpose will be served even by allowing the M.A.

6. Under those circumstances, we dispose of the Writ Petition with a direction to the first respondent to dispose of the representation filed by the petitioner dated 14.10.2003 within a period of four weeks from the date of receipt of a copy of this order.

7. With the direction indicated above, the Writ Petition is accordingly disposed of. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 10.02.2005

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NOTE:- Issue copy in two days.

B/o.

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To

1 The Special Chief Secretary to Government, Government of A.P., G.A.(S.C.F.) Department, Government of A.P., Hyderabad.
2 Sri V. Anankaiah, Addl. Secretary to Govt. (Retd),
H.No.8-3-677/17, Sri krishnadevaraya Colony,
Yellareddyguda, Hyderabad-500045.

3 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT).

4 2 CD copies